

**Maine Revised Statutes**  
**Title 22: HEALTH AND WELFARE**  
**Chapter 558-C: maine medical use of marijuana act**

**§2422. DEFINITIONS**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2009, c. 1, §5 (NEW).]

**1. Cardholder.** "Cardholder" means a registered patient, a registered primary caregiver or a principal officer, board member or employee of a registered dispensary who has been issued and possesses a valid registry identification card.

[ 2009, c. 631, §8 (AMD); 2009, c. 631, §51 (AFF) .]

**1-A. Collective.** "Collective" means an association, cooperative, affiliation or group of primary caregivers who physically assist each other in the act of cultivation, processing or distribution of marijuana for medical use for the benefit of the members of the collective.

[ 2011, c. 407, Pt. B, §1 (NEW) .]

**1-B. Certified nurse practitioner.** "Certified nurse practitioner" means a registered professional nurse licensed under Title 32, chapter 31 who has received postgraduate education designed to prepare the nurse for advanced practice registered nursing in a clinical specialty in nursing that has a defined scope of practice and who has been certified in the clinical specialty by a national certifying organization acceptable to the State Board of Nursing.

[ 2013, c. 516, §1 (NEW) .]

**2. Debilitating medical condition.** "Debilitating medical condition" means:

A. Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, agitation of Alzheimer's disease, nail-patella syndrome or the treatment of these conditions; [2013, c. 361, §1 (AMD).]

B. A chronic or debilitating disease or medical condition or its treatment that produces intractable pain, which is pain that has not responded to ordinary medical or surgical measures for more than 6 months; [2009, c. 1, §5 (NEW).]

C. A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe nausea; or seizures, including but not limited to those characteristic of epilepsy; [2013, c. 361, §1 (AMD).]

D. Any other medical condition or its treatment as provided for in section 2424, subsection 2; or [2013, c. 361, §1 (AMD).]

E. Post-traumatic stress disorder, inflammatory bowel disease, dyskinetic and spastic movement disorders and other diseases causing severe and persistent muscle spasms. [2013, c. 361, §1 (NEW).]

[ 2013, c. 361, §1 (AMD) .]

**3. Enclosed, locked facility.** "Enclosed, locked facility" means a closet, room, building, greenhouse or other enclosed area that is equipped with locks or other security devices that permit access only by the individual authorized to cultivate the marijuana.

[ 2011, c. 407, Pt. B, §3 (AMD) .]

**3-A. Extended inventory supply interruption.** "Extended inventory supply interruption" means any circumstance that:

A. Requires a registered dispensary to limit for more than a 2-week period the amount that a patient may purchase to less than 2 1/2 ounces during a 15-day period; or [2013, c. 503, §1 (NEW) .]

B. Prevents a registered dispensary from consistently offering for a 2-week period or longer a full range of strains of marijuana, including but not limited to strains rich in cannabidiol, to a patient. [2013, c. 503, §1 (NEW) .]

[ 2013, c. 503, §1 (NEW) .]

**4. Disqualifying drug offense.** "Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more. It does not include:

A. An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier; or [2009, c. 1, §5 (NEW) .]

B. An offense that consisted of conduct that would have been permitted under this chapter. [2009, c. 1, §5 (NEW) .]

[ 2009, c. 631, §10 (AMD); 2009, c. 631, §51 (AFF) .]

**4-A. Incidental amount of marijuana.** "Incidental amount of marijuana" means an amount of nonflowering marijuana plants and marijuana seeds, stalks and roots defined by rules adopted by the department.

[ 2011, c. 407, Pt. B, §4 (NEW) .]

**4-B. Mature marijuana plant.** "Mature marijuana plant" means a harvestable female marijuana plant that is flowering.

[ 2011, c. 407, Pt. B, §4 (NEW) .]

**4-C. Medical provider.** "Medical provider" means a physician or a certified nurse practitioner.

[ 2013, c. 516, §2 (NEW) .]

**5. Medical use.** "Medical use" means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

[ 2011, c. 407, Pt. B, §5 (AMD) .]

**5-A. Member of the family.** "Member of the family" means a person who is a spouse, domestic partner, child, sibling, aunt, uncle, niece, nephew, parent, stepparent, grandparent or grandchild of another person. "Member of the family" includes a person living with a person as a spouse and a natural parent of a child of a person.

[ 2011, c. 407, Pt. B, §6 (NEW) .]

**5-B. Members of the same household.** "Members of the same household" means 2 or more people who share a dwelling unit.

[ 2011, c. 407, Pt. B, §6 (NEW) .]

**6. Registered dispensary.** "Registered dispensary" or "dispensary" means a not-for-profit entity registered under section 2428 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the primary caregivers of those patients.

[ 2011, c. 407, Pt. B, §7 (AMD) .]

**6-A. Onsite assessment.**

[ 2011, c. 407, Pt. B, §8 (RP) .]

**7. Physician.** "Physician" means a person licensed as an osteopathic physician by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or a person licensed as a physician or surgeon by the Board of Licensure in Medicine pursuant to Title 32, chapter 48 who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs.

[ 2009, c. 631, §14 (AMD); 2009, c. 631, §51 (AFF) .]

**8. Primary caregiver.**

[ 2009, c. 631, §51 (AFF); 2009, c. 631, §15 (RP) .]

**8-A. Primary caregiver.** "Primary caregiver" means a person or an employee of that person, a hospice provider licensed under chapter 1681 or a nursing facility licensed under chapter 405 that provides care for a qualifying patient in accordance with section 2423-A, subsection 2. A person who is a primary caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense.

[ 2013, c. 396, §1 (AMD) .]

**9. Qualifying patient.** "Qualifying patient" or "patient" means a person who has been diagnosed by a medical provider as having a debilitating medical condition and who possesses a valid written certification regarding medical use of marijuana in accordance with section 2423-B.

[ 2013, c. 516, §3 (AMD) .]

**10. Registered nonprofit dispensary.** "Registered nonprofit dispensary" means a nonprofit dispensary that is registered by the department pursuant to section 2428, subsection 2, paragraph A.

[ 2009, c. 1, §5 (NEW) .]

**11. Registered primary caregiver.** "Registered primary caregiver" means a primary caregiver who is registered by the department pursuant to section 2425, subsection 4.

[ 2011, c. 407, Pt. B, §11 (AMD) .]

**12. Registered patient.** "Registered patient" means a qualifying patient who is registered by the department pursuant to section 2425, subsection 1.

[ 2011, c. 407, Pt. B, §12 (AMD) .]

**13. Registry identification card.** "Registry identification card" means a document issued by the department that identifies a person as a registered patient, registered primary caregiver or principal officer, board member or employee of a dispensary.

[ 2009, c. 631, §18 (AMD); 2009, c. 631, §51 (AFF) .]

**13-A. Tamper-resistant paper.** "Tamper-resistant paper" means paper that possesses an industry-recognized feature that prevents copying of the paper, erasure or modification of information on the paper and the use of counterfeit documentation.

[ 2011, c. 407, Pt. B, §13 (NEW) .]

**14. Prepared marijuana.** "Prepared marijuana" means the dried leaves and flowers and the by-products of the dried leaves and flowers of the marijuana plant that require no further processing and any mixture or preparation of those dried leaves and flowers and by-products, including but not limited to tinctures, ointments and other preparations, but does not include the seeds, stalks, leaves that are disposed of and not dried for use and roots of the plant and does not include the ingredients, other than marijuana, in tinctures, ointments or other preparations that include marijuana as an ingredient or food or drink prepared with marijuana as an ingredient for human consumption.

[ 2013, c. 516, §4 (AMD) .]

**15. Visiting qualifying patient.** "Visiting qualifying patient" means a patient with a debilitating medical condition who is not a resident of this State or who has been a resident of this State less than 30 days.

[ 2009, c. 1, §5 (NEW) .]

**16. Written certification.** "Written certification" means a document on tamper-resistant paper signed by a medical provider, that expires within one year and that states that in the medical provider's professional opinion a patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition. A written certification may be made only in the course of a bona fide medical provider-patient relationship after the medical provider has completed a full assessment of the qualifying patient's medical history.

[ 2013, c. 516, §5 (AMD) .]

#### SECTION HISTORY

IB 2009, c. 1, §5 (NEW). 2009, c. 631, §§8-19 (AMD). 2009, c. 631, §51 (AFF). 2011, c. 407, Pt. B, §§1-15 (AMD). 2013, c. 361, §1 (AMD). 2013, c. 396, §1 (AMD). 2013, c. 503, §1 (AMD). 2013, c. 516, §§1-5 (AMD).

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